1949.

File No. Motor II/49 (N)

Legal Department

B **BRANCH**

K

Subject:—

Notifications under the Motor Vehicles Act, 1939.

E
P- 15
1949

File No. Motor II/49 (N) 123 B

Legal Department.

The proposal is to restrict the speed of motor vehicles in Greater Bombay. The District Magistrate, Bombay Suburban District by his notification No.F.C.L.7, dated the 30th August 1940, has fixed the speed limits of motor vehicles in the Bombay Suburban District at 35 miles per hour. It is presumed that thenext of of the 39 villages specified in the D.M.'s notification are now included in Greater Bombay. In that case it would be necessary to supersede the latter notification also. A revised draft notification is accordingly sent herewith.

Sd/-
Illegible

Additional Secretary to Government,

U.R. to H.D. No. 368 ,dated the 13th January 1949.

H.R.D.
4-6-56
C.4

28/6

No. 6872/3.
Home Department,
Bombay Castle,

1949

NOTIFICATION.

Motor Vehicles Act, 1939.

In exercise of the powers conferred by sub-section(2) of section 72 of the Motor Vehicles Act, 1939(IV of 1939) and in super session of Government of notification in the Revenue Department No. 2432/39, dated the 4th December 1939 and of the Notification No. P.O.L. 7 dated the 30 th August 1940 issued by the District Magistrate, Bombay Suburban District in so far as it applies to villages now included in Greater Bombay, the Government of Bombay is pleased to fix in Greater Bombay 30 miles per hour, as the maximum speed limit for the class of motor vehicles specified under clause(a)(i) in the Eighth Schedule to the said Act, namely, passenger vehicles, that is to say, vehicles constructed solely for the carriage of passengers and their effects, when all the wheels of such vehicles are fitted with pneumatic tyres and the vehicle is not drawing a trailer and such vehicle is a motor cycle, motor car or motor cab.

By order of the Governor of Bombay,

Sd/- V.T. DESAI,

Secretary to the Government of Bombay,
Home Department.

H.R.D.
4-6-56
C.4

Local Government.

A revised draft notification is sent herewith.

2. As under section 43(1) of the Motor Vehicles Act, 1939, the maximum fares have to be fixed, it is not right to say that the fares per per passenger mile (on routes considered by the R.T.A. to be difficult and uneconomic for operation) shall be from 10 to 12 pies. It is enough if the maximum fares of 12 pies are fixed.

Sd/-
17-2

Additional Secretary to Government.

M.R.D.
4-6-49
C.4

U.R. to H D. No. 1969 ,dated the 18th February 1949.

Legal Department.

The draft notification No. 1 is in order.

2. The draft notification No. 11 as amended is in order. The objec of this notification appears to be to enable the Regional Transport Officer, Kolhapur Region to perform the functions of a licensing authority under rule 3 of the Bombay Motor Vehicles Rules, 1940. This proposal is similar to the proposal discussed in B.L.A.'s opinion No. 1946, dated the 17th February 1949 and the said opinion would apply to this case also.

Sd/-
16-3

Additional Secretary to Government.

U.D. to H.D., No. 2980, dated the 16th March 1949.

H.R.D.
2-6-56
C.A

No. 7982/5.
Home Department.
Bombay Castle, March 1949.

I

In exercise of the powers conferred by sub-section(1)of section 44 of the Motor Vehicles Act, 1939(IV of 1939), read with paragraph 3 of the Kolhapur State(Application of Laws) Order, 1949,the Government of Bombay is pleased to constitute the Regional Transport Authority mentioned in column 3 of the Schedule hereto appended for the region mentioned opposite thereto in columns 1 and 2 of the said Schedule, to exercise and discharge through out the said region the powers and functions conferred upon it by or under Chapter IV of the said Act, namely:-

Name of Region. 1.	Territiseal extent of the region. 2.	Regional Transport Authority. 3.	Headquarters of Regional Transpo/ Authority. 4.
Kolhapur Region.	Comprising the Kolhapur State.	The Regional Transport Authority Constituted for the South Deccan Region under Government Notification in the Home Department, No. 4812/44 dated the 1st April 1944.	Poona.

II.

In exercise of the powers conferred by calusa(1)of rule 2 of the Bombay Motor Vehicles Rules, 1940, read with paragraph 3 of the Kolhapur State (Application of Laws.) Order, 1949, the Government of Bombay is pleased to appoint the Regional Transport Officer mentioned in column 3 of the Schedule hereto appended to be also the Regional Transport officer for the areas specified against him in columns 1 and 2 of the said Schedule for the purposes of the Bombay Motor Vehicles Rules, 1940, namely:-

SCHEDULE.

Name of the State. 1	Area. 2	Regional Transport Officer. 3	Headquarters of the Regional Transport Officer 4.
Kolhapur	Whole area.	The Regional Transport Officer, South Deccan Region.	Poona.

By order of the Governor of Bombay,

P.T.O.

By order of the Governer of Bombay,

Secretary to the Government of Bombay,
Home Department.

M.R.D.
4-6-56
C.4

[redacted]

The revised draft notifications are sent herewith.

CA/-
29-3

Additional Secretary to Government.

H.R.D.
4-6-56
C.A

U.O. to H.D. No. 34 33, dated the 30th March 1969.

NOTIFICATION.

Home Department,

Bombay Castle, March 1949.

Motor Vehicles Act, 1939.

No. — In exercise of the powers conferred by sub-section(1) of section 44 of the Motor Vehicles Act, 1939 (IV of 1939), and in supersession of Government Notification in the Revenue Department No. 2809/39-II, dated the 31st January 1940, the Government of Bombay is pleased to constitute for the Province of Bombay, with effect from the 1st April 1949, a Provincial Transport Authority, consisting of the following persons, to exercise and discharge the powers and functions specified in sub-section (3) of the said section 44, namely:-

X X X X X X X X

By order of the Government of Bombay,

Secretary to Government.

M.R.D.
4-6-49
C.4

NOTIFICATION

Home Department,

Bombay Castle, March 1949.

Motor Vehicles Act, 1939.

No. .- In exercise of the powers conferred by sub-section(1) of section 44 of the Motor Vehicles Act, 1939(IV of 1939) the Government of Bombay is pleased to amend Government Notification in the Home Department No. 4812/4, dated the 1st April 1944, in so far as it relates to the constitution of the Regional Transport Authorities, as follows, namely:-

In the Schedule to the said notification, for columns 1 and 3 the following shall respectively be substituted, namely:-.

(Here insert 2 AsA on PP. 33-37 ante).

By order of the Governor of Bombay,

Secretary to Government.

M.R.D.
4-6-56
C.4

Local Government.

As the proposed notification is self-contained in itself, the previous notification, namely, G.M. H.D., No. 6272/5 , dated the 20th January 1949 should be superseded.

A revised draft is sent herewith accordingly.

Sd/-
4-5

Additional Secretary to Government.

M.R.D.
4-6-49
G.A

U.R. to H.D. No. 4901 ,dated the 4th May 1949.

NOTIFICATION.

Home Department,
Bombay Castle, May 1949.

Motor Vehicles Act, 1939. No. .- In exercise of the powers conferred by sub-section(2) of section 71 of the Motor Vehicles Act, 1939(IVof 1939), and in supersession of Government Notification, Home Department, No.6272/3, dated the 20th January 1949, the Government of Bombay is pleased to fix in Greater Bombay—

(i) 35 miles per hour on the Marine Drive and

(ii) 30 miles per hour on roads other than Marine Drive,

as the maximum speed limit for the class of motor vehicl specified under clause(a)(i) in the Eighth Schedule to the saidAct, namely, passenger vehicles, that is to say, vehicles constructed solely for the carriage of passengers and their effects, when all the wheels of such vehicles are fitted with pneumatic tyres and the vehicle is not drawing a trailer and such vehicle is a motor cycle, motor car or motor cab.

By order of the Governme- of Bombay,

M.R.D.
1-6-56
C.A.

Secretary to the Government of Bombay,
Home Department.

Land Department.

A revised draft notification is sent herewith.

/Sd/-
6-6-

Additional Secretary to Government.

U.R. to H.D. No. 6311 dated the 6th June 1949.

U.R.D.
6-6-49
CA

Notification.

Home Department.

Bombay Castle, June 1969.

Bombay Motor Vehicles Rules, 1940. No. ... In exercise of the power conferred by the proviso to 115 of the Bombay Motor Vehicles Rules 1949, the Government of Bombay is pleased to exempt from the provisions of sub-rule(3) of the said rule, the vehicle specified in column 1 of the Schedule appended hereto used within the area specified in column 2 thereof, for the period specified in column 3 thereof.

By order of the Governor of Bombay.

Secretary to Government.

M.R.D.
4-6-56
C.4

45

Legal Department

A revised draft notification is sent herewith.

Sd/-
XXX

Additional Secretary to Government.

H.R.D.
4-6-56
C.4

U.O. to H.D. No. 9645, dated the 31st August 1949.

NOTIFICATION.

Home Department,

Bombay Castle, August 1949.

Motor Vehicles Act, 1939.

No. .- In exercise of the powers conferred by the proviso to sub-section(2) of section 37 of the Motor Vehicles Act, 1939(IV of 1939), the Government of Bombay are pleased to direct that the provisions of sub-section(2) of the said section 37 shall apply to a double decker omnibus operated by the B.E.S. & T. Committee in the City of Bombay with the modification that the registered laden weight of the vehicle, having pneumatic tyres, fitted to a wheel on the axles, of a nominal size as shown below, shall not exceed 25,000 lbs.

F. A. = 2 x 11.00 x 20

R. A. = 4 x 9.00 x 22.

By order of the Governor of Bombay,

Secretary to Government.

H.R.D.
4-6-46
C.4

Legal Department.

The definition of "motor car " as given in sec. 2(16) of the Act is quite precise and excludes from its scope a transport vehicle, locomotive road roller, tractor, motor cycle or invalid carriage. All these terms except 'road-roller' are also defined separately in the said section (vide clause (3)(14),(30),(17), and (10) of sec.2). The expression" transport vehicle" is defined to means" a public service vehicle, a goods vehicle, a locomotive or tractor other than a locomotive or tractor used for agricultural purposes." The terms used in this definiten namely "public service vehicle" and "goods vehicles" are again defined in clauses(25)and (8) respectively. The definition of public service vehicle includes a "stage carriage" which is defined in clause (29). Reading all these definitions together, and theyw must be so read, a motor car excludes from its scope the following classes of motor vehicles:-

(i) a transport vehicle locomotive, road-roller, tractor, motor cycl , invalid carriage;

(ii)a public service vehicle, a goods vehicle;

(iii) a motor cab, contract carriage, stage carriage;

(iv) a Delivery Van;

(v) any motor vehicle adapted for use for the carriage of goods or any motor vehicle not so adapted when used for the carriage of goods or in addition to passengers;

(vi) any motor vehicle adapted to carry more than six passengers excluding the driver which carries passengers for hire or reward subject to.

It is clear, therefore, that the classification of motor vehicle does not depend so much on its physical appearance and mechanical construction as upon the immediate use to which it is intended to be put and no amendment of the Act seems to be necessary.

Sd/-
22/12.

Additional Secretary to Government.

M.R.D.
4-6-86
C.4

U.R.to H.D. No. 14970 ,dated 22nd December 1949.